

ISSN 2785-5228



**EUWEB**

**EU-WESTERN BALKANS**

Cooperation on Justice and Home Affairs



**EUWEB Legal Essays**  
Global & International Perspectives  
Issue 2/2024

EDITORIALE  
SCIENTIFICA

ES



### **EDITOR-IN-CHIEF**

**Teresa Russo**, University of Salerno (Italy)

### **MANAGING EDITOR**

**Ana Nikodinovska Krstevska**, University “Goce Delčev” of Štip (North Macedonia)

### **ASSOCIATED EDITORS**

**Francesco Buonomenna**, University of Salerno (Italy)

**Gaspere Dalia**, University of Salerno (Italy)

**Erjon Hitaj**, University of Vlore “Ismail Qemali” (Albania)

**Rossana Palladino**, University of Salerno (Italy)

### **EDITORIAL COMMITTEE**

**Giuseppe Cataldi**, University of Naples “L’Orientale” (Italy)

**Angela Di Stasi**, University of Salerno (Italy)

**Elżbieta Feret**, University of Rzeszów (Poland)

**Pablo Antonio Fernández Sánchez**, University of Sevilla (Spain)

**Olga Koshevaliska**, University “Goce Delčev” of Štip (North Macedonia)

**Pietro Manzini**, Alma Mater Studiorum University of Bologna (Italy)

**Nebojsa Raicevic**, University of Niš (Serbia)

**Giancarlo Scalese**, University of Cassino and Southern Lazio (Italy)

**Anna Lucia Valvo**, University of Catania (Italy)

**Jan Wouters**, University of KU Leuven (Belgium)

### **SCIENTIFIC COMMITTEE**

**Paolo Bargiacchi**, KORE University of Enna (Italy)

**Ivana Bodrožić**, University of Criminal Investigation and Police Studies, Belgrade (Serbia)

**Valentín Bou Franch**, University of Valencia (Spain)

**Elena Crespo Navarro**, University Miguel Hernández Elche (Spain)

**Luigi Daniele**, University of Roma Tor Vergata (Italy)

**Jordi Nieva Fenoll**, University of Barcellona (Spain)

**Luigi Kalb**, University of Salerno (Italy)

**Anja Matwijkiw**, Indiana University Northwest (United States of America)

**Massimo Panebianco**, University of Salerno (Italy)

**Ioannis Papageorgiou**, Aristotle University of Thessaloniki (Greece)

**Nicoletta Parisi**, Catholic University of the Sacred Heart of Milan (Italy)

**Francisco Pascual Vives**, University of Alcalà, Madrid (Spain)

**Dino Rinoldi**, Catholic University of the Sacred Heart of Milan (Italy)

### **REVIEWING COMMITTEE**

**Ersi Bozheku**, University of Tirana (Albania)

**Marco Borraccetti**, University of Bologna (Italy)

**Federico Casolari**, University of Bologna (Italy)

**Francesco Cherubini**, University of Luiss Guido Carli, Rome (Italy)

**Fabio Coppola**, University of Salerno (Italy)

**Jasmina Dimitrieva**, University “Goce Delčev” of Štip (North Macedonia)

**Miroslav Djordjevic**, Institute for Comparative Law, Belgrade (Serbia)

**Angela Festa**, University of Campania “L. Vanvitelli” (Italy)

**Jelena Kostić**, Institute for Comparative Law, Belgrade (Serbia)

**Ivan Ingravallo**, University of Bari “Aldo Moro” (Italy)

**Elena Maksimova**, University “Goce Delčev” of Štip (North Macedonia)

**Daniela Marrani**, University of Salerno (Italy)

**Francesca Martinez**, University of Pisa (Italy)  
**Marina Matić Bošković**, Institute of Criminological and Sociological Research, Belgrade (Serbia)  
**Heliona Miço**, EPOKA University of Tirana (Albania)  
**Pietro Milazzo**, University of Pisa (Italy)  
**Stefano Montaldo**, University of Turin (Italy)  
**Giuseppe Morgese**, University of Bari “Aldo Moro” (Italy)  
**Niuton Mulleti**, EPOKA University of Tirana (Albania)  
**Amandine Orsini**, Université Saint-Louis, Brussels (Belgium)  
**Mario Panebianco**, University of Salerno (Italy)  
**Leonardo Pasquali**, University of Pisa (Italy)  
**Christian Ponti**, University of Milano (Italy)  
**Valentina Ranaldi**, University “Niccolò Cusano” of Rome (Italy)  
**Fabio Spitaleri**, University of Trieste (Italy)  
**Ismail Tafani**, University of Barleti (Albania)  
**Maria Torres Perez**, University of Valencia (Spain)  
**Paolo Troisi**, University of Rome Tor Vergata (Italy)

#### **EDITORIAL ASSISTANTS**

**Stefano Busillo**, University of Salerno (Italy)  
**Elisabetta Lambiase**, University of Bari “Aldo Moro” (Italy)  
**Miriam Schettini**, University of Pisa (Italy)  
**Gabriele Rugani**, University of Pisa (Italy)  
**Emanuele Vannata**, University of Salerno (Italy)  
**Ana Zdraveva**, University “Goce Delčev” of Štip (North Macedonia)

Rivista semestrale on line EUWEB Legal Essays. Global & International Perspectives

[www.euweb.org](http://www.euweb.org)

Editoriale Scientifica, Via San Biagio dei Librai, 39 – Napoli

Registrazione presso il Tribunale di Nocera Inferiore n° 5 del 23 marzo 2022

ISSN 2785-5228

Index  
2024, No. 2

**EDITORIAL**

**Jasmina Dimitrieva**

*The Silence of the Migrant Children Falling Prey to Violence, Abuse and Exploitation* 6

**ESSAYS**

**Iliana Cenevska**

*How Do “National Identity” Considerations Factor into the Way the EU Employs Its Values-Based Conditionality? Exploring a Complex Interplay* 17

**Marieta Safta**

*The Concept of Family in Romanian Legislation. Constitutional Perspective and Influences on the Criminal Procedure* 41

**Roze Surlovska**

*Analysis of Mob Violence and Skinhead Attacks on Roma Through the Prism of Racism* 55

**FOCUS ON JUDICIAL COOPERATION IN CRIMINAL MATTERS**

**Fulvio Baldi**

*Rete giudiziaria europea penale, magistrati di collegamento ed esperti giuridici presso le ambasciate: una molteplicità di figure per una cooperazione più efficace* 70

**Alessandro Di Vico**

*La cooperazione tra Romania e Italia: il caso Italat-Paestum* 75

**CONFERENCE SPEECHES**

**Francesca Iervolino**

*Principio di effettività della tutela nella procedura per il riconoscimento della protezione internazionale* 82

**Luigi Palmieri**

*L'ufficio del Pubblico ministero europeo tra esigenze investigative e garanzie difensive* 93

**AFTERWORD**

**Teresa Russo**

*Jean Monnet Chair “Promoting Public Awareness on Enlargement, EU Values and the Western Balkans’ Accession” (EUVALWEB): Balance Sheet of the Second Year of Activity* 101

JEAN MONNET CHAIR “PROMOTING PUBLIC AWARENESS  
ON ENLARGEMENT, EU VALUES  
AND THE WESTERN BALKANS’ ACCESSION” (EUVALWEB):  
BALANCE SHEET OF THE SECOND YEAR OF ACTIVITY

*by Teresa Russo*

Building on the success of its first edition, the second edition of the Jean Monnet Chair EUVALWEB sought to revolutionize its educational program and further expand its professional training, scientific research, and teaching activities. It carried out its initiatives throughout the academic year, both in Italy and abroad, with the goals of: increasing the number of opportunities for participation available to all interested parties; providing maximum dissemination of the program's activities and outcomes; and further diversifying programs to guarantee the highest level of excellence and relevance in the teaching of EU law.

The main educational, professional, and scientific activities of the Jean Monnet EUVALWEB Chair for the second edition were overseen by the Chair and the Chair Team, with input from academics, professionals, political figures, representatives of NGOs and civil society, students, and international and Italian student associations and were broken down into the following categories: seminar series, which will take place in Italy, abroad, and in a Western Balkan country between November 2023 and May 2024; workshop series, which took place in Italy, abroad, and with student participation throughout; main course (Chair Course), which has been designated as a new teaching course of the Degree Course in Law of the Department of Legal Sciences of the University of Salerno, entitled European Union Values, Integration and Migration Law with the recognition of eight training credits. Two legal clinics were established as new practical courses in the training program offered by the University of Salerno's Department of Legal Sciences. The programs are called EU Cooperation on Justice and Home Affairs: Knowledges and EU Cooperation on Justice and Home Affairs: Insights, and they are recognized for two training credits each (November–December and March–May, respectively). Additionally, there were a series of conferences between the first and second semesters of the 2023–2024 academic year.

To promote a multidisciplinary approach that is as open as possible to the participation of all interested parties, many of the scientific initiatives carried out were co-organized with other teachings of the Department of Legal Sciences and the Department of Business Sciences, Management and Innovation Systems of the University of Salerno, some professional categories, and other Jean Monnet actions, in addition to student associations.

The conference on "Promoting Public Awareness on the Fight Against Transnational Crimes, the Role of Police and Judicial Cooperation and Respect for Fundamental Rights in the Prospect of the EU Enlargement" was held thanks to the participation of notable speakers from the academic, diplomatic, and professional worlds as well as civil society and the general public, both from Italy and the Western Balkans. It succeeded in offering a platform for discourse on the Union's admission procedure, the measures taken or to be taken to harmonize candidate nations' legal frameworks with EU requirements, and the

primary changes to be enacted in the Western Balkan nations as well as the Union as a whole for the Union's future. The Institute of Criminological and Sociological Research of Belgrade was the ideal venue for a serious and passionate conversation about the prospect of EU expansion into the Western Balkans on May 30, 2024. Excellent outcomes were obtained from the conference's work, which was expertly kicked off by the Italian ambassador to Serbia, H.E. Luca Gotti, as well as by keynote and guest speakers, as well as by young researchers from the academic and professional worlds who enlivened the conference's various sessions with the participation of and public and private sector representatives. We genuinely hope that the event fulfilled all of your expectations and goals, which will be detailed in the next number of this Journal (1/2025).

Additionally, the students were able to present the outcomes of the workshops held within the Chair Course, and the Young Observers of the EUVALWEB Legal Observatory were able to present the results of their research, thanks to the conference "Understanding European Union's Future through Enlargement" on June 4, 2024, which featured the participation of Ambassador Ferdinando Nelli Feroci, President of the International Affairs Institute of Rome. It became especially evident that the nations who accede to the Union's principles and regulations do the same. Because of the so-called "Brussels effect," the Union has actually formalized its improved bargaining power in international accords containing conditionality clauses, "exporting" its standards to third parties. Over fifty years of peace, stability, and prosperity have been brought about by the EU through the integration of its new member states. Specifically, the region has benefited from integration and enlargement in that it has welcomed and included the political, economic, cultural, and social diversity of other states.

The 2000 motto "United in diversity" of the European Union also reflects this. Trainees drew attention to the fact that this "diversity" had only gone so far. In addition to the geographical restrictions set by Article 49 TEU, they perceived a cultural restriction on the Union's Western, or at least European, culture, which was reinforced, in their view, by an additional requirement for membership: upholding and advancing the principles mentioned in Article 2 TEU. In light of Morocco's historical exclusion, these principles are also viewed as a re-proposal of the European cultural and social *acquis*. When considering the goals of the EU, which prioritize first and foremost the stabilization of the continent, this "homogeneous" variety was deemed essential. The overwhelming "remoteness" of the peoples that make up this would make it impossible.

Particularly in light of the relationship between European foreign and defense policy, enlargement, and, more broadly, the exterior action of the Union, the stability component has given rise to numerous doubts. With regard to the Ukrainian-Russian conflict, the students specifically expressed critical reflections on the European Peace Facility (the CD) and the Military Assistance Mission in Support of Ukraine (EUMAM Ukraine), which effectively participates in the war and adheres to the sanctions to the detriment of the diplomatic solution by bolstering the military capabilities and resilience of the Ukrainian Armed Forces and protecting the civilian population from ongoing Russian military aggression. Furthermore, the primary concerns expressed also centered on the abuse of a nation's accession process that exposes the discussions to pressure from Moscow due to its partial occupation by Russia.

The discrepancy in the values mentioned in the art. 2 TUE also became apparent. Students emphasized how, in a sense, these principles had been "recovered" from the Member States by virtue of their history and identity. They are earlier than the Union in this sense. However, as the Union has adopted them, they are "imposed" onto the Member States. According to the students' long list, the current state of affairs severely weakens, if not violates, the concept of equality. The twenty-seven countries that make up the European Union actually have very different constitutional provisions regarding equality: some consider equality from a purely formal perspective, while others also consider it from a substantive one; some have very general anti-discrimination clauses, while others have lengthy and detailed prohibitions that include numerous instances of discrimination that are expressly forbidden.

The importance of democracy has also received a lot of attention because the provisions pertaining to democratic principles—which are grouped under Title II of the TEU and were introduced with the Lisbon Treaty—are constrained by the Member States' current lack of agreement on how the European Union might develop in the future. Students emphasized the conflict between nations that seek to uphold national sovereignty and those that seek to uphold and democratize European institutions. From this angle, it has been thought that one of the reasons for this disparity is ongoing enlargements.

The Young Observers of the EUVALWEB Legal Observatory's research has also brought attention to the proliferation of regulatory acts by the Union. One such instance is the section on cross-border security, migration, and asylum (**Gramaglia, Tortora**), which was strengthened by the adoption of the Pact on Migration and Asylum by the Council on May 14. This pact resulted in the adoption of ten legislative acts that overhaul the entire European framework for managing migration and asylum.

A multitude of problems are also presented to all Member States, not only the acceding states, by the many adopted legislative acts and current proposals on criminal justice cooperation. Hence, even in the area of police and judicial cooperation, our Young Observers (**Esposito, Verderame**) have observed that legislative and political developments have centered on how to use technological tools most effectively to enhance the lives of European citizens while also acknowledging that these tools may pose a threat to an individual's right to privacy in the absence of sufficient regulation and oversight. In this regard, it is impossible to ignore the recent AI Act, which was enacted by the European Parliament on March 13, 2024, and which forbids the creation, promotion, and application of AI systems that unavoidably run the danger of violating people's rights and basic freedoms. The areas of biometric recognition and predictive algorithms that attracted the most attention, particularly with regard to the investigative stages of criminal proceedings, were those where significant restrictions were placed on the police authority due to the risks associated with these technologies.

Then, the group of Young Observers conducting research on the battle against transnational crimes (**Jannone, Landolfi, Manfredini**) emphasized the need to update existing laws, concentrated on the endeavour to enforce harsher penalties and sanctions to suppress transnational crimes, and never-ending efforts to make new crimes, like those pertaining to the environment, more positive. Directive (EU) 2024/1226, relating to the definition of crimes and sanctions for the violation of Union restrictive measures, and

Directive 2024/1203, on the criminal protection of the environment, have replaced Directives 2008/99/EC and 2009/123/EC. The new directives address the prevention and fight against human trafficking and the protection of their victims (2022/0426(COD)), of April 24.

In conclusion, the European Union prioritizes digital transformation in order to defend and promote human rights and Union values. This is in line with findings from the Young Observers' investigation (**Sanges, Saturno**). In actuality, this much becomes evident when considering the need to compare core rights and ideals with contemporary circumstances as well as when considering the creation of new digital rights. The recent passage of Directive (EU) 2024/1385 on the fight against domestic abuse and violence against women, which was published in the Official Journal on May 25th, is evidence of this as well. In fact, the Directive reflects the ratification of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention). It also provides a more comprehensive list of aggravating circumstances for crimes related to domestic violence and violence against women, including crimes related to "cyber violence," in addition to the more conventionally understood crimes.

It was, therefore, an entirely positive outcome, for which I am grateful to the members of the Chair's team (**Bodrozic, Cascone, Di Stasi, Nikodinovska, Pasquali, Salazar and Saranovic**) and the members of the EUVALWEB Legal Observatory, as well as to everyone who participated in this second edition of Jean Monnet Chair EUVALWEB, helping to make it a success in terms of both participant numbers and scientific outcomes that surpassed my expectations. My special thanks are extended to the hardworking the EUVALWEB Tutors (**Busillo, Vannata**) and Supervisor of the Young Observers' EUVALWEB Legal Observatory (**Lambiase**), and the technical-administrative staff (Di Nenna, Moscariello, Patrizi, Pedullà) of the Department of Legal Sciences and the University of Salerno's International Relations/Erasmus Office (**Governatori, Varani**).

Well done on the task! I am really proud! I appreciate you all so much!

31 July 2024

The Editor-in-Chief

